



New Jersey Department of Children and Families Policy Manual

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Eligibility Criteria for Title IV-E Kinship Guardianship Assistance Program 9-8-2009

A. Child Requirements

To be eligible for Title IV-E Kinship Guardianship Assistance Program payments, a child must have been:

1. Removed from his or her home pursuant to a voluntary placement agreement or as the result of a judicial determination that continuation in the home would be contrary to the welfare of the child. Note: Effective May 2, 2005, CP&P stopped recognizing parental consent as authority to place a child in resource family care.
2. Eligible for Title IV-E foster care maintenance payments during at least a six consecutive month period during which time the child resided in the home of the prospective kinship legal guardian who was licensed or approved as meeting the licensure requirements as a resource home.

Additionally, CP&P must determine that:

1. Being returned home or adopted are not appropriate permanency options for the child;
2. The child has a strong attachment to the prospective kinship guardian and the prospective kinship guardian has a strong commitment to caring permanently for the child; and
3. A child 14 years of age or older has been consulted regarding the kinship guardianship arrangement.

Note: These three determinations are not judicial findings but, rather, determinations made by DCF staff which are supported by documentation in the child's case record.

B. Prospective Kinship Legal Guardian Requirements

Before a kin caregiver may receive kinship guardianship assistance payments on behalf of the child, the kin caregiver's home must be licensed as a resource family home, and the child must have lived in the licensed caregiver's resource home for a minimum of six (6) consecutive months.

Kinship Guardianship Agreement and Payment 9-8-2009

Kinship guardianship assistance payments may not exceed the foster care maintenance payment the child would have received if he or she remained in a foster family home.

The Title IV-E Kinship Guardianship Agreement must be in place with the kin caregiver prior to the establishment of the kin caregiver as the kinship legal guardian.

The Kinship Guardianship agreement between CP&P and the kin caregiver must be negotiated, in writing, and specify the following:

- The amount of, and manner in which the kinship guardianship assistance payment will be provided;
- The manner in which the payment may be adjusted periodically, in consultation with the kinship guardian, based on the circumstances of the kinship guardian and the needs of the child;
- Any additional services and assistance for which the child and kinship guardian will be eligible under the agreement, and the procedure by which the kinship guardian may apply for additional services;
- That CP&P will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child to the extent the total cost does not exceed \$2,000; and
- That the agreement will remain in effect without regard to the kinship legal guardian's state of residency within the United States of America.

See CP&P Form [4-8](#), CP&P Kinship Legal Guardianship (KLG) Subsidy Agreement.

Siblings

9-8-2009

CP&P may make kinship guardianship assistance payments pursuant to a kinship guardianship agreement on behalf of each sibling of an eligible child who is placed with the same kinship guardian under the same kinship guardianship agreement, if CP&P and the kinship guardian agree that the placement is appropriate.

There is no requirement for the eligible child and the sibling to have been placed simultaneously with the kinship caregiver. Title IV-E nonrecurring expenses are also available for a sibling so placed (not to exceed \$2,000 per child).

Medicaid Eligibility

9-8-2009

Children who receive kinship guardianship assistance payments are categorically eligible for Title XIX (Medicaid) in the state where such child resides pursuant to Section 473(b)(3)(C) of the Act.

Fair Hearings

9-8-2009

An individual, whose claim for kinship guardianship assistance available under Title IV-E is denied or is not acted upon with reasonable promptness, is provided with an opportunity for a fair hearing (Section 471(a)(12) of the Act, and 45 CFR 205.10).

Case Plan Requirements

9-8-2009

The child's case plan must include the following:

- 1) How the child meets the kinship guardianship assistance eligibility requirements;
- 2) Steps taken by CP&P to determine that return home or adoption is not appropriate;
- 3) Efforts made by CP&P to discuss adoption with the kin caregiver and the reasons adoption is not an option;
- 4) Efforts made by CP&P to discuss kinship guardianship with the child's parent(s), or the reasons why efforts were not made;

- 5) The reasons why permanent placement with a prospective kin caregiver and receipt of a kinship guardianship assistance payment are in the child's best interests; and
- 6) The efforts made by CP&P to discuss the kinship guardianship assistance arrangements with the child's parent(s), or why efforts were not made.

If the child's placement with the prospective kinship legal guardian does not include siblings, the case plan must also include a description of the reasons why the child is separated from siblings during placement.

Procedures For Determining Title IV-E KLG Subsidy Assistance 9-8-2009

The Worker notifies the Title IV-E Unit when a child enters a KLG placement. The Title IV-E Reviewer determines if the child is eligible for KLG subsidy assistance using the CP&P Form 10-5 KLG, Title IV-E KLG Assistance Eligibility Determination, to document the determination of eligibility.